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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/672,909   | 09/26/2003  | William D. McKay     | RBD-115-A           | 9185             |
| 22440  | 7590        | 09/08/2006           | EXAMINER            |                  |
| GOTTLIEB RACKMAN & REISMAN PC<br>270 MADISON AVENUE<br>8TH FLOOR<br>NEW YORK, NY 100160601 |             |                      | CHIN, RANDALL E     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 1744                |                  |

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                          |                   |
|------------------------------|--------------------------|-------------------|
| <b>Office Action Summary</b> | Application No.          | Applicant(s)      |
|                              | 10/672,909               | MCKAY, WILLIAM D. |
|                              | Examiner<br>Randall Chin | Art Unit<br>1744  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 July 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,8,9,14,30-32,34 and 48-56 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,8,14,30-32,34 and 48-56 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 092603;112404;1205.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of the species of Figs. 4-5, claims 1, 8, 9, 14, 30-32, 34 and 48-56, in the reply filed on 24 July 2006 is acknowledged.
2. Claim 9, indicated by Applicant as readable on elected Figs. 4 and 5, is being withdrawn from consideration since claim 9 recites "a projection carried on the **spindle**" (emphasis added), which is not disclosed for elected Figs. 4 and 5. Compare with claim 8, which already recites that there is "a projection on one of the **handle and the rotatable member**" (emphasis added). Such language in claim 9 also makes it appear there is a double inclusion of elements.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - On p. 10, paragraph [0069], the patent number "4,361,973" is incorrect.
  - On p. 11, paragraph [0070], it is unclear where the "free end 34" is in Figs. 4 and 5.
- On p. 11, paragraph [0071], it appears "spindle 142" should read –spindle 132--. Appropriate correction is required.

### ***Claim Objections***

4. Claim 8 is objected to because of the following informalities:

Claim 8, line 7, "the channel" lacks proper antecedent basis.

Claim 8, line 6, it appears "on" (second occurrence) should read –and--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 8, 14, 30, 32, 34, 48, 49, 51 and 56 are rejected under 35

U.S.C. 102(b) as being anticipated by Sohmer 3,742,547 (hereinafter Sohmer).

The patent to Sohmer discloses a cleaning apparatus (Fig. 1) comprising a wound roll 10 with outward facing adhesive surfaces, the roll formed of a plurality of separable sheets (Fig. 2), each defined by an edge separable from an adjacent sheet (col. 2, lines 49-58), a roll support defined by end caps 21 or 22 (Figs. 2, 4a, 4b, for example) rotatably supporting the roll, and means 28a, 28b, carried on at least one of the roll and the roll support, "for orienting the edge of each sheet, as the edge of each sheet becomes the outermost edge of the roll, in a predetermined orientation on the support." Such quoted recitation in the claim fails to adequately define over Sohmer and Sohmer broadly meets this quoted language.

As for claim 8, the support includes a handle 12 and a spindle 19, 20 axially fixedly extending from the handle, a rotatable member defined by end caps 21, 22

rotatably mounted on the spindle, the roll 10 mounted on the rotatable member, and the orientating means includes a projection 28a or 28b on one of the handle and the rotatable member, and spaced members defined by the roll core at each end carried on the other of the handle and the rotatable member and defining "the channel" (see claim objection above) for receiving the projection to lock the rotatable member from rotation with respect to the handle.

As for claims 14 and 34, there are means (which is Sohmer's mechanical structure of the cleaning apparatus), carried in the support, for rotating the spindle.

As for claim 30, the roll support comprises a handle 12, a spindle 19, 20, and means 28a, 28b (Figs. 4a, 4b) carried on the handle and the spindle, for rotatably coupling the spindle to the handle.

As for claim 32, the separable edge or perforations of each of the plurality sheets in the roll are "transverse" and thus deemed "radially aligned" (col. 2, lines 55-58).

As for claim 48, the roll support comprises a "rotatable" spindle since it causes the rotation of the roll.

As for claim 49, said spindle includes at least one rotatable collar defined by end caps 21 or 22 for engaging said wound roll 10.

As for claim 51, said orienting means comprises at least one "stop member" which can broadly be the projections 28a or 28b fixedly carried on said at least one collar.

As for claim 56, said orienting means comprises at least one "stop member" which can broadly be the projections 28a or 28b also broadly fixedly carried on said spindle.

7. Claims 1, 8, 14, 30-32, 34, 48, 49-54 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Barela 5,924,157 (hereinafter Barela).

The patent to Barela discloses a cleaning apparatus (Fig. 1) comprising a wound roll 12 with outward facing adhesive surfaces 66, the roll formed of a plurality of separable sheets 64 (Fig. 6), each defined by an edge separable from an adjacent sheet (col. 4, lines 32-34), a roll support which can be end cap 72 (Figs. 6 or 8, for example) rotatably supporting the roll, and means 74 or 76, carried on at least one of the roll and the roll support, "for orienting the edge of each sheet, as the edge of each sheet becomes the outermost edge of the roll, in a predetermined orientation on the support." Such quoted recitation in the claim fails to adequately define over Barela and Barela broadly meets this quoted language.

As for claim 8, the support includes a handle 42 and a spindle 27 axially fixedly extending from the handle, a rotatable member defined by end cap 72 rotatably mounted on the spindle, the roll mounted on the rotatable member, and the orientating means includes a lug or projection 74 on one of the handle and the rotatable member, and spaced members 76, 76 defined by the roll core at each end carried on the other of the handle and the rotatable member and defining "the channel" (see claim objection

above) for receiving the projection to lock the rotatable member from rotation with respect to the handle.

As for claims 14 and 34, there are means (which is Barela's mechanical structure of the cleaning apparatus), carried in the support, for rotating the spindle.

As for claim 30, the roll support comprises a handle 42, a spindle 27, and means carried on the handle and the spindle, for rotatably coupling the spindle to the handle.

As for claim 31, broadly, the orienting means comprises a slot or "stop" 76 carried on one of the handle and the spindle, and a projection or arm 74 (Fig. 8) carried on the other of the handle and the spindle and rotatably engageable with the stop.

As for claim 32, the separable edge or perforations of each of the plurality sheets in the roll are cut longitudinally and thus deemed "radially aligned" (col. 4, lines 32-34).

As for claim 48, the roll support comprises a "rotatable" spindle since it causes the rotation of the roll.

As for claim 49, said spindle includes at least one rotatable collar defined by end cap 72 for engaging said wound roll.

As for claim 50, said at least one collar 72 comprises a pair of opposed rotatable spaced collars (at each end) with a "carriage" formed of a plurality of ribs or straps 84 (Fig. 8) rotatably located therebetween.

As for claim 51, said orienting means comprises at least one "stop member" which can broadly be the projections 74, 74 fixedly carried on said at least one collar.

As for claim 52, broadly, said at least one stop member 74 comprises a pair of stop members 74, 74 (Fig. 8) carried on said at least one roller for defining "a channel" therebetween.

As for claim 53, there is a handle 42 extending from said rotatable spindle.

As for claim 54, broadly, said handle carries a "latch" member 74 releasably engageable in said channel.

As for claim 56, said orienting means comprises at least one "stop member" which can broadly be the projections 74, 74 also broadly fixedly carried on said spindle.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barela.

As for the latch members being "rounded" in form, such selection of the shape of the latch members in Barela is deemed obvious since changes in shape are deemed generally within the level of ordinary skill for facilitating a smoother engagement and disengagement than sharper edges/corners of the latch members.

***Conclusion***

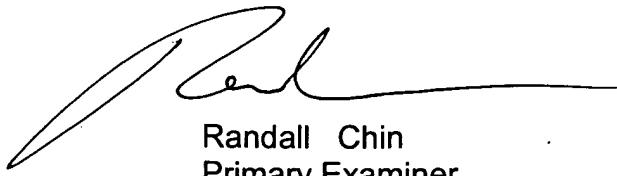
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Jessen, McKay, Kennon, and McKay, Jr. are relevant to various lint roller arrangements with particular rotatable means.
  
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Randall Chin  
Primary Examiner  
Art Unit 1744